

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
MAY 16, 2007
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 16, 2007, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Deputy Director Dave Felix, representing Director Roger Vanderpool
Chief Jack Harris
Deputy Director Steven Ickes, representing Director Dora Schriro
Ms. Wendy Larsen
Dr. Michael Polakowski
Corporal Brandee Ralston
Chief Jerry Sheridan
Detective Robert Thompson

Members Absent:

Mr. Joseph Duarte
Sheriff Clarence Dupnik
Attorney General Terry Goddard
Chief Patricia Huntsman

Staff in Attendance:

Ted Brandon
Dan Elting
Bob Forry
Tom Hammarstrom
Steve Jacobs
Gary Maschner
Lyle Mann
Curt Milam
Sandy Sierra
Maria Valtierra
Rick Watling

Assistant Attorney General
Diana Stabler

Christopher Munns

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:01 a.m.

B. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Chief Sheridan, seconded by Corporal Ralston.

1. Minutes of the Regular Board meeting, held on March 21, 2007, were approved as written.
2. Minutes of the Charging Board meeting, held on April 18, 2007, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, June 13, 2007, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, July 11, 2007, 2:00 p.m. at the Little America Hotel, located in Flagstaff, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
5. Decertification Case Status Report - As of March 30, 2007, the Compliance and Standards Unit had a caseload of 161 active cases. 8 cases are ready for initial presentation; 76 cases need further investigation; 24 cases are pending service of or response to a Notice of Complaint or Decision; 8 cases are pending hearing; 11 cases are ready for final action, and 34 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement – March 2007

Funds as of March 1, 2007	\$ 1,597,943.72
CJEF Revenue	799,091.52
Expenditures/Encumbrances	(398,354.38)
Balance for March 31, 2007	\$ 1,998,680.86

C. LEGISLATIVE UPDATE

Deputy Director Mann informed the Board of current bills going through the legislature.

E. SUMMARY OF CURRENT EVENTS

Director Hammarstrom informed the Board that the Finance Advisory Group met on May 2, 2007, and reviewed the 2007/08 budget. The Group recommended that the budget be presented to the POST Board for approval.

F. COMMITTEE UPDATE

Director Hammarstrom informed the Board that the Chairman appointed nine members to sit on the POST Basic Training and Facilities Advisory Group. This group will meet at least annually for the purpose of reviewing and making recommendations to the Board on basic training policies and on the training facility needs of Arizona law enforcement.

G. REPORTS**1. Basic Training**

ALEA – Lt. Danny Golden reported they currently have three classes representing 13 agencies. They graduated 50 recruits on May 11, 2007, and a new class will start on May 21, 2007.

COTA – Deputy Director Ickes, from the Department of Corrections, reported they have graduated 207 out of 248 cadets since the last meeting. They have an 83% success graduation rate. So far in 2007 they have graduated 1001, in 2006 they graduated 644 total. They currently have a 3.5% vacancy rate – which is the lowest it has been in many, many years.

Mesa P.D. Sgt. Lee White reported they currently have one class in session, which will graduate on July 13, 2007. They will be starting another class in mid July.

SALETC – Lt. Kevin Lane reported they currently have two classes running. One class will graduate on June 21, 2007 and the other class will graduate in mid August. They recently completed a \$25,000 renovation project for the PT room.

3. Department of Corrections – Mr. Ickes stated he had nothing new to report at this time.

H. FINAL ACTION CASES:

Case #1 – Lisa A. Reis – Pima County Sheriff's Office

Christopher Munns of the Solicitor General's Section of the Office of the Attorney General appeared as legal advisor to the Board and presented procedural legal advice. The Board considered comments from Assistant A. G. Nancy Beck and Mike Storie, attorney for Ms. Reis. Corporal Ralston made a motion to adopt the Findings of Fact as amended, seconded by Chief Sheridan, motion carried unanimously.

Chief Sheridan made a motion to adopt the Conclusions of Law as amended, seconded by Corporal Ralston, motion carried unanimously.

Chief Sheridan made a motion to revoke certification, seconded by Deputy Director Felix, motion carried with seven yea votes and one nay vote.

Case #2 – Amanda M. Dean – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Donna McDaniel, attorney for Ms. Dean. Ms. Larsen made a motion to adopt the Consent Agreement Order and Decision for a one year suspension beginning on February 16, 2007, and ending on February 16, 2008, seconded by Chief Harris, motion carried unanimously.

Case #3 – Daniel J. Norton – Sedona Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Dr. Polakowski made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment, seconded by Chief Sheridan, motion carried unanimously.

Case #4 – Timothie W. Shull – Phoenix Police Department

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment, seconded by Corporal Ralston, motion carried unanimously.

Case #5 – Scott F. Ayen – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Corporal Ralston, motion carried unanimously.

Case #6 – Martin L. Bowling II – AZ Department of Public Safety

Deputy Director Felix recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler, Sgt. Ron Padilla, Lt. Ramon Figueroa and Martin Bowling. Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and take no action, seconded by Chief Sheridan, motion failed with a vote of 3-4. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and impose an 8-hour suspension, seconded by Chief Harris, motion failed with a vote of 3-4.

After a lengthy discussion, Officer Martin asked the Board to reinstate his timely request for a hearing. The Board granted the request. The hearing will be set through the Office of Administrative Hearings.

Case #7 – Justin D. Dekker – Gilbert Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Corporal Ralston, motion carried unanimously.

Case #8 – David M. Ross – Cottonwood Police Department

The Board considered comments from Assistant A. G. Diana Stabler. David Ross could not be present at the meeting, his wife Kristin Ross read a letter to the Board prepared by Mr. Ross. Corporal Ralston made a motion to adopt the Findings of Fact and Conclusions of Law and impose a one year suspension of certification beginning on November 6, 2006, and ending on November 6, 2007, seconded by Ms. Larsen, motion carried unanimously.

Case #9 – Herbert Yazzie Jr. – Pima County Sheriff's Office

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and impose a one year suspension of certification beginning on November 14, 2005, and ending on November 14, 2006, seconded by Deputy Director Felix, motion carried with one nay vote.

I. NEW CHARGING CASES:Case #1 – Darwin N. Barrie – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. Chief Harris made a motion to close this case with **No Action with Agency Discretion**, seconded by Corporal Ralston, motion carried unanimously.

Case #2 – Julio C. Collazo Jr. – Pinal County Sheriff's Office

Corporal Ralston recused herself from this case. Chief Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Dr. Polakowski, motion carried unanimously.

Case #3 – Paul Dana – Pima County Sheriff's Department

Dr. Polakowski made a motion to **Initiate Proceedings**, seconded by Chief Harris, motion carried unanimously.

Case #4 – Carl R. Downs – Holbrook Police Department

Deputy Direction Felix made a motion to take **Initiate Proceedings**, seconded by Corporal Ralston, motion carried unanimously.

Case #5 – John Grady – AZ Department of Liquor License & Control

Dr. Polakowski made a motion to close this case with **No Action**, seconded by Chief Sheridan, motion carried unanimously.

Case #6 - Rose Mary Lacey Juarez – AZ Department of Liquor License & Control

Dr. Polakowski made a motion to close this case with **No Action**, seconded by Chief Sheridan, motion carried unanimously.

Case #7 – Christopher N. Harold – Payson Police Department

Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Corporal Ralston, motion carried unanimously. Chief Sheridan requested that staff negotiate a consent agreement on this case and include a six month or one year suspension beginning on November 29, 2006.

Case #8 – Jose L. Rocha – Tucson Police Department

Corporal Ralston made a motion to **Initiate Proceedings**, seconded by Dr. Polakowski, motion carried unanimously.

Case #9 – Raymond R. Tarango – Hayden Police Department

Chief Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Deputy Director Felix, motion carried with two nay votes.

Case #10 – Jose J. Vasquez – Gila River Police Department

Dr. Polakowski made a motion to close this case with **No Action with Agency Discretion**, seconded by Ms. Larsen, motion carried unanimously.

J. CALL TO THE PUBLIC

Mr. Mike Palmer addressed the Board during the call to the public and encouraged a more liberal view toward recusals by Board members.

K. ADJOURN

Chairman Butler adjourned the meeting at 12:15 p.m.